

MAY 12 2008

Appln. No. 10/003,011

Attorney Docket No. 8627-213  
Client Reference No. PA-5270-RFB**II. Remarks**

Reconsideration and re-examination of this application in view of the following remarks is herein respectfully requested.

Claims 2 and 21 have been cancelled. Claims 1, 3-20, and 22-23 are pending. No new claims have been added.

Applicants would like to thank the examiner for the interview conducted on April 15, 2008. The structure of the grasping device was discussed. In particular, it was noted that the loops operate proximal the atrumatic tip to grasp an object. Further, the prior art references were discussed and it was noted that the Bates reference operated as a basket to trap an object using each loop of the basket, which would not be possible with an atrumatic distal tip.

***Claim Rejections - 35 U.S.C. §103***

Claims 1, 4-20, 22, and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,695,813 to Boyle (Boyle) in view of U.S. Patent No. 5,681,347 to Cathcart, et al. (Cathcart) in view of U.S. Patent No. 5,484,444 to Braunschweiler et al. (Braunschweiler) and in view of U.S. Patent No. 6,520,968 to Bates, et al. (Bates).

Claim 1 and 22 recite that the grasping device includes an atrumatic distal tip and a plurality of loops located proximal the atrumatic distal tip. Further, Claim 1 and 22 define that a radius of each loop expands to overlap adjacent loops as the plurality of loops are urged distally from the distal end, and the radius of each loop decreases to tighten around the object as the plurality of loops are retracted into the sheath. As such, the plurality of overlapping loops allows the grasping portion cover

Appin. No. 10/003,011

Attorney Docket No. 8627-213  
Client Reference No. PA-5270-RFB

the entire cross sectional area of a vessel while using the atrumatic distal tip to prevent damage to the vessel.

The examiner relies on Bates to show the loops. However, the "loops" of Bates work together to form a basket. It is the operation of the two halves of the basket that operate to close together and trap the object. As such, the loops of Bates would not operate as designed to trap the object with an atrumatic tip extending between them. Therefore, combining the loops of Bates with an atrumatic tip would frustrate the purpose of Bates by rending the device in operable. Further, as more specifically described the radius of the loops do not decrease to tighten around the object as provided in claims 1 and 22.

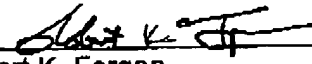
Claims 4-20 and 23 depend from claim 1 or 22, and are, therefore, patentable for at least the same reasons as given above in support of claims 1 and 22.

### *Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

Dated: May 12, 2008

  
Robert K. Fergan  
Reg. No.: 51,674  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(734) 302-6000

BRINKS  
HOFER  
GILSON  
ALIDNE

-10-